

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AVETIS ARCHANIAN,

Petitioner,

Case No. 3:19-cv-00177-ART-CLB

v.

WILLIAM REUBART, *et al.*,

Respondents.

ORDER DISMISSING ACTION

This capital habeas corpus action was stayed on December 3, 2019, pending completion of state-court proceedings. (ECF No. 21.) On September 29, 2022, with the stay still in place, the respondents filed a Suggestion of Death (ECF No. 37), indicating that the petitioner, Avetis Archanian, has died. Attached to Respondents' Suggestion of Death, as Exhibit A to that document, is a copy of an email from a Nevada Department of Corrections officer stating that Archanian died on September 25, 2022. (ECF No. 37-1.)

On November 2, 2022, Archanian's counsel filed a status report (ECF No. 38), informing the Court that the state district court has terminated Archanian's state court proceedings on account of Archanian's death. The status report also indicates that Archanian's counsel is in the process of obtaining a death certificate, which they intend to file under seal.

The Court determines that it is not necessary for Archanian's counsel to obtain, and file under seal, a death certificate. The Suggestion of Death filed by the respondents—who had Archanian in their custody—with the attached exhibit, and without any contrary filing by Archanian's counsel, is sufficient.

As Archanian has died, this action is moot and subject to dismissal. See *Garceau v. Woodford*, 399 F.3d 1101 (9th Cir. 2005); see also *Griffey v. Lindsey*,

1 349 F.3d 1157 (9th Cir. 2003) (dismissing petition for writ of habeas corpus as
2 moot on account of the petitioner's death).

3 It is therefore ordered that this action is dismissed, as moot, on account of
4 the petitioner's death. The Clerk of the Court is directed to enter judgment
5 accordingly and close this case.

6 DATED THIS 8th day of November, 2022.

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8 ANNE R. TRAUM
9 UNITED STATES DISTRICT JUDGE

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